

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION,)	
)	
Plaintiff,)	CIVIL ACTION NO.
)	
v.)	5:09-CV-00141-DF
)	
)	
FOUR STATES DOTY, INC., d/b/a CHICKEN EXPRESS OF TEXARKANA,)	
)	
)	
Defendant.)	
)	

CONSENT DECREE

This Consent Decree is made and entered into between the Plaintiff, the Equal Employment Opportunity Commission (“EEOC”), and the Defendant, Four States Doty, Inc., d/b/a Chicken Express of Texarkana (hereinafter collectively referred to as “the parties”).

On September 30, 2009, the Equal Employment Opportunity Commission instituted a lawsuit in the Eastern District of Texas, Texarkana Division, Civil Action Number 5:09-CV-141 against Defendant, alleging that the Defendant violated Title VII of the Civil Rights Act of 1964 (“Title VII”) when it subjected Branda Hawkins to a racially hostile work environment because of her race (Black).

The parties hereto desire to compromise and settle the differences embodied in the aforementioned lawsuit, and intend that the terms and conditions be set forth in this Consent Decree.

NOW, THEREFORE, in consideration of the mutual promises and agreements set forth herein, the sufficiency of which is hereby acknowledged, the parties agree as follows, the court finds appropriate, and therefore, it is ORDERED, ADJUDGED AND DECREED that:

1. This Court has jurisdiction to enforce the provisions set forth in this Consent Decree.
2. This Consent Decree resolves all issues, including all like and related issues, raised in EEOC Charge Number 450-2007-04821. This Decree further resolves all issues raised in the Complaint filed by the Commission in this civil action. The Commission does not waive processing or litigating charges or cases other than the above-referenced charge and the Complaint.
3. Defendant is enjoined from subjecting or allowing the subjecting of employees to a racially hostile work environment.
4. Defendant agrees to post the Notice appended hereto as Attachment "A" on the employee bulletin board at its facility in Texarkana, Texas, and agrees to post the Notice appended as Attachment "B" on the employee bulletin board at the Chicken Express in Texarkana, Arkansas, within 10 days after the entry of this Consent Decree. These Notices shall be posted for a period of one year from the entry of this Consent Decree. Defendant will report to the EEOC that it has complied with this requirement within 30 days after posting the notices.
5. For each year that this Consent Decree is in effect, Defendant agrees to conduct annual training for all management employees of Defendant's facility in

Texarkana, Texas and at the Chicken Express in Texarkana, Arkansas, advising them of the requirements and prohibitions of Title VII of the Civil Rights Act of 1964. The training will inform these employees of the complaint procedure for individuals who believe that they are being discriminated against by Defendant. This annual training will also advise employees of the consequences imposed upon Defendant for violating Title VII. The training will also include a specific discussion or instruction relating to racial harassment, the reporting requirements regarding complaints of racial harassment, and the appropriate investigation of racial harassment claims. The training shall take place two (2) times for each year the Consent Decree is in effect and shall be at least hour (1) hour in duration for each session. The training shall be provided by an attorney from Smith Weber, L.L.P. Defendant shall submit to the EEOC confirmation that the training was conducted, and a list of attendees.

6. Defendant agrees to pay Branda Hawkins the gross sum of \$15,000.00 in full and final settlement of the claims asserted in this dispute. This \$15,000.00 represents damages under Title VII of the Civil Rights Act of 1991 for the claim asserted by the EEOC on behalf of Charging Party Branda Hawkins. Payment shall be made in the form of a cashier's check. The check shall be mailed within 21 days after entry of this Consent Decree. A Form 1099 shall be issued to Ms. Hawkins in the ordinary course of Defendant's business.
7. Defendant agrees to provide a neutral job reference for Branda Hawkins to

prospective employers.

8. Defendant agrees to report to the EEOC within 30 days of entry of this Consent Decree regarding its compliance with the arrangements set forth in paragraphs 4 and 6, above. All reports to the EEOC required by this Decree shall be sent to Devika Seth, Senior Trial Attorney, 207 S. Houston Street, 3rd Floor, Dallas, Texas 75202.
9. The parties agree to bear their own costs associated with this action, including attorney's fees.
10. Nothing in this Consent Decree can preclude further actions by the EEOC or any other person to remedy any other alleged violations of Title VII by Defendant.
11. The effective date of this Decree shall be the date upon which it is signed for approval by the Court.
12. The term of this Decree shall be for four (4) years from the effective date. The Court shall retain jurisdiction to enforce the terms of this Decree until the expiration of the term of the Consent Decree.

FOR THE PLAINTIFF,
EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION:

FOR THE DEFENDANT FOUR STATE
DOTY, INC., D/B/A CHICKEN EXPRESS
~~OF TEXARKANA:~~


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DEVIKA SETH
Senior Trial Attorney
District of Columbia Bar No. 975161

SO ORDERED, ADJUDGED AND DECREED this 18 day of June, 2010.


THE HONORABLE DAVID J. FOLSOM
UNITED STATES FEDERAL JUDGE

**NOTICE AS REQUIRED UNDER TITLE VII
OF THE CIVIL RIGHTS ACT OF 1964, AS AMENDED**

This Notice is being posted as part of an agreement between Four States Doty, Inc., d/b/a Chicken Express of Texarkana and the U.S. Equal Employment Opportunity Commission:

1. Federal Law requires that there be no discrimination against or harassment of any employee or applicant for employment because of that person's race, color, religion, sex, national origin, age or disability with respect to hiring, compensation, promotion, discharge or other terms, conditions or privileges of employment.
2. Four States Doty, Inc., d/b/a Chicken Express of Texarkana strongly supports and will comply with such Federal Law in all aspects and it will not take any action against employees because they have exercised their rights under the law by filing charges with the United States Equal Employment Opportunity Commission.
3. Four States Doty, Inc., d/b/a Chicken Express of Texarkana will not tolerate racial harassment, race-based harassment and/or discrimination or retaliation in the workplace. Employees are now put on notice that the first violation of the company's racial harassment policy will subject an employee found to have violated the policy to disciplinary action.
4. Employees may report violations of the company's racial harassment policy to [designated company official/department/telephone number/extension] and/or the Dallas District Office of the United States Equal Employment Opportunity Commission, 207 South Houston Street, Third Floor, Dallas, Texas 75202 (214-253-2700).
5. This NOTICE will remain posted until July 1, 2011.

Management Official

Date

**NOTICE AS REQUIRED UNDER TITLE VII
OF THE CIVIL RIGHTS ACT OF 1964, AS AMENDED**

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1. Federal Law requires that there be no discrimination against or harassment of any employee or applicant for employment because of that person's race, color, religion, sex, national origin, age or disability with respect to hiring, compensation, promotion, discharge or other terms, conditions or privileges of employment.
2. Chicken Express of Texarkana, Arkansas, strongly supports and will comply with such Federal Law in all aspects and it will not take any action against employees because they have exercised their rights under the law by filing charges with the United States Equal Employment Opportunity Commission.
3. Chicken Express of Texarkana, Arkansas, will not tolerate racial harassment, race-based harassment and/or discrimination or retaliation in the workplace. Employees are now put on notice that the first violation of the company's racial harassment policy will subject an employee found to have violated the policy to disciplinary action.
4. Employees may report violations of the company's racial harassment policy to [designated company official/department/telephone number/extension] and/or the Dallas District Office of the United States Equal Employment Opportunity Commission, 207 South Houston Street, Third Floor, Dallas, Texas 75202 (214-253-2700).
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